

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGILLIO VIRGO,

Plaintiff,

-against-

BRONX MEDICAL,

Defendant.

20-CV-2729 (CM)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

By order dated September 21, 2018, the Court barred Plaintiff from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See Virgo v. Wright*, ECF 1:17-CV-10006, 6 (S.D.N.Y. Sept. 21, 2018). Plaintiff files this new *pro se* case, seeks IFP status, and has not sought leave from the Court. The Court therefore dismisses this action without prejudice for Plaintiff's failure to comply with the September 21, 2018 order.

The Clerk of Court is directed mail a copy of this order to Petitioner and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 22, 2020  
New York, New York



COLLEEN McMAHON  
Chief United States District Judge